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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Minwen Ji

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

TRUONG, THANHNGA B

ART UNIT

PAPER NUMBER

2135

NOTIFICATION DATE

DELIVERY MODE

02/21/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/716,588	Applicant(s) JI ET AL.	
	Examiner Thanhnga B. Truong	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-20 is/are pending in the application.
- 4a) Of the above claim(s) 9, 10 and 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the communication filed on December 1, 2007. Claims 1-17 and 19-20 are pending. Claim 18 is canceled, and claims 9-10, 17, and 19-20 are withdrawn by the applicant. At this time, claims 1-8, and 11-16 are rejected.

Election/Restrictions

2. Applicant's election with traverse of **Species 1** in the reply filed on December 1, 2007 is acknowledged.

Claims 9-10, 17, and 19-20 are withdrawn by the applicant from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species 2, species 3, and species 4. Election was made with traverse in the reply filed on December 1, 2007. This is not found persuasive because each of the various disclosed species details a mutual exclusive characteristic of:

Species 1 is drawn to "A method and system for calculating the message authentication function."

Species 2 is drawn to "A method for creating a record and transmitting the record from first computer to second computer."

Species 3 is drawn to "A computer associates with a processor and a memory containing executable code."

Species 4 is drawn to "A system includes a server, a client, and a witness."

These above individual species act as evidenced by the representation of each various species with a different functionality from each other. The requirement is still deemed proper and is therefore made FINAL.

Response to Arguments

3. Applicant's arguments filed March 19, 2007 have been fully considered, at least under **35 USC § 101**, but they are still not persuasive. Applicant has amended claim 1 to contain the phrase, such as "using the message authentication code to authenticate data", however, these claimed languages merely describe in the specification. In addition the specification recites briefly in the summary area, such as,

"The message authentication function can be used to authenticate data transmitted between the first processor and a third processor (page 1, paragraph 0002 of the specification), wherein the code can be transmitted **via a computer network** (e.g., signals, carrier waves, transmissions, optical waves, transmission media) which clearly including intangible media such as signals, carrier waves, transmissions, optical waves, transmission media or other media incapable of being touched or perceived absent the tangible medium through which they are conveyed. Therefore, claims 1-8 still recite a non-statutory subject matter.

Applicant's arguments filed March 19, 2007, with respect to the rejection(s) of claim(s) 1-8, and 11-16 under **35 USC § 102** have been fully considered they are not persuasive.

Applicant and/or Applicant's Representative argue that:

Ripley fails to teach first and second "parts" of a message authentication function" from two separate processors.

Examiner respectfully disagrees with Applicant and/or Applicant's Representative and still believes that Ripley clearly teaches the claimed subject matter. In fact, Figure 4 clearly shows one MAC was from the READER and the second MAC was from the MEDIA, which is two different processors. More details are described in paragraph 0028 and 0029 of Ripley. Ripley does not need to disclose anything over and above the invention as claimed in order to render it unpatentable or anticipate. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claimed limitations.

The fact that Examiner may not have specifically responded to any particular arguments made by Applicant and Applicant's Representative should not be construed as indicating Examiner's agreement therewith.

For the above reasons, it is believed that the rejections should be sustained.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. The claimed invention is directed to non-statutory subject matter.

a. Referring to claim 1:

i. This claim consists a method for calculating a message authentication function. The claim purely recites the mathematic calculation. Thus, it is an abstract idea, directed solely to non-functional descriptive material. Therefore, claim 1 recites a non-statutory subject matter. Claims 2-8 have limitations that are similar to those of claim 1, thus they are rejected with the same rationale applied against claim 1 above.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-8 and 11-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Ripley et al (US 2002/0087818 A1).

a. Referring to claim 1:

i. Ripley teaches a method, comprising:

(1) calculating a first part of a message authentication function by a first processor (**see Figure 4 and more details in paragraph 0055 of Ripley**);

(2) calculating a second part of the message authentication function by a second processor (**see Figure 4 and more details in paragraph 0056 of Ripley**); and

(3) combining the results of the first and second parts into the message authentication code by the first or second processors; and **(see Figure 4 and more details in paragraph 0057 of Ripley).**

(4) using the message authentication code to authenticate data **(see Figure 8 and more details in paragraph 0081 of Ripley).**

b. Referring to claim 2:

i. Ripley further teaches:

(1) wherein the message authentication function is used, in part, to authenticate data transmitted between the first processor and a third processor **(see Figure 4 and more details in paragraph 0058 of Ripley).**

c. Referring to claim 3:

i. Ripley further teaches:

(1) wherein the first and second processors are provided in separate computer systems **(see Figure 4 and more details in paragraph 0058 of Ripley).**

d. Referring to claim 4:

i. Ripley further teaches:

(1) wherein the first and second parts of the message authentication function consist of one-way hash functions **(paragraph 0074 of Ripley).**

e. Referring to claim 5:

i. Ripley further teaches:

(1) wherein calculating the first part comprises calculating a value without having a data key associated with the function **(paragraph 0075 of Ripley).**

f. Referring to claim 6:

i. Ripley further teaches:

(1) wherein calculating the second part comprises calculating a value for a data set without having contents of the data set **(paragraph 0075 of Ripley).**

g. Referring to claim 7:

i. Ripley further teaches:

(1) storing the contents into a non-volatile memory coupled to the first processor and storing the message authentication code into non-volatile memory coupled to the second processor **(paragraphs 0042 and 0044 of Ripley)**.

h. Referring to claim 8:

i. Ripley further teaches:

(1) calculating a message authentication code using the message authentication function on a data set, wherein the message authentication code can be used to authenticate a record that consists of the data set **(paragraphs 0055-0058 of Ripley)**.

k. Referring to claim 11:

i. This claim has limitations that is similar to those of claims 1 and 9, thus it is rejected with the same rationale applied against claims 1 and 9 above.

l. Referring to claim 12:

i. This claim has limitations that is similar to those of claim 2, thus it is rejected with the same rationale applied against claim 2 above.

m. Referring to claim 13:

i. This claim has limitations that is similar to those of claim 1, thus it is rejected with the same rationale applied against claim 1 above.

n. Referring to claim 14:

i. Ripley further teaches:

(1) wherein the first processor receives the second part from the second processor and encodes a record with the second part and transmits the encoded record to a third processor **(paragraph 0059 of Ripley)**.

o. Referring to claim 15:

i. Ripley further teaches:

(1) wherein the first processor receives the record from a third processor, computes the first part of the message authentication function using contents of the record, and sends the result of the first part of the message authentication function and a message authentication code in the record to the second processor (**see Figure 4 and more details in paragraph 0055-0057, paragraphs 0029, and 0072 of Ripley**).

p. Referring to claim 16:

i. This claim has limitations that is similar to those of claim 1, thus it is rejected with the same rationale applied against claim 1 above.

Conclusion

8. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2135

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

/Thanhnga B. Truong/

Primary Examiner, Art Unit 2135

TBT

February 11, 2008